

ENTERED

October 11, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

HAYWOOD MACK	§	CIVIL ACTION No
ROSS,	§	4:23-cv-01108
Plaintiff,	§	
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
AVALA HOUSTON	§	
CORPORATION, <i>et al</i> ,	§	
Defendants.	§	

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Plaintiff Haywood Mack Ross proceeds here *pro se* and *in forma pauperis*. He filed a complaint on March 17, 2023 against Defendant Avala Houston Corporation, *et al*. Dkt 1.

Pending is a Memorandum and Recommendation by Magistrate Judge Christina A. Bryan dated August 1, 2023, recommending that this case be dismissed without prejudice because Plaintiff hasn't completed service timely, and no defendant has appeared. Dkt 11.

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other portions to which there's no objection if satisfied that no clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

None of the parties filed objections. No clear error otherwise appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law.


The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 11.

This case is DISMISSED WITHOUT PREJUDICE.

A final judgment will issue separately.

SO ORDERED.

Signed on October 11, 2023, at Houston, Texas.


Hon. Charles Eskridge
United States District Judge